

**C. APPLICANT'S COMMENTS**

Claims 1 - 20 are pending in this Application, with Claim 1 amended. No new matter is added by way of these amendments, and the amendments are supported throughout the Specification and the drawings. Reconsideration of Claims 1 - 20 is respectfully requested. The Examiner's rejections will be considered in the order of their occurrence in the Official Action.

The Official Action rejected as-filed Claims 1-7, 10-17 under 35 U.S.C. §102(b) as being anticipated by **Rivadeneyra (U.S. Patent No. 4,469,096)**. The Applicant respectfully disagrees with this rejection for at least the following reasons.

It is important to first briefly discuss 35 U.S.C. §102 and its application to the present application. Under 35 U.S.C. §102(b), anticipation requires that the prior art reference both (1) disclose, either expressly or under the principles of inherency, every limitation of the claim, and (2) be enabling thus placing the allegedly disclosed matter in the possession of the public.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Hence, under 35 U.S.C. §102, anticipation requires that each and every element of the claimed invention be disclosed in the prior art. *W.L. Gore & Assocs. v. Garlock, Inc.*, 220 USPQ 303, 313 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). Anticipation also requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). In addition, the prior art reference must be enabling, thus placing the allegedly disclosed matter in the possession of the public. *Akzo N.V. v. United States Int'l Trade Comm'n*, 1 USPQ 2d 1241, 1245 (Fed. Cir. 1986), cert. denied, 482 U.S. 909 (1987) (emphasis added).

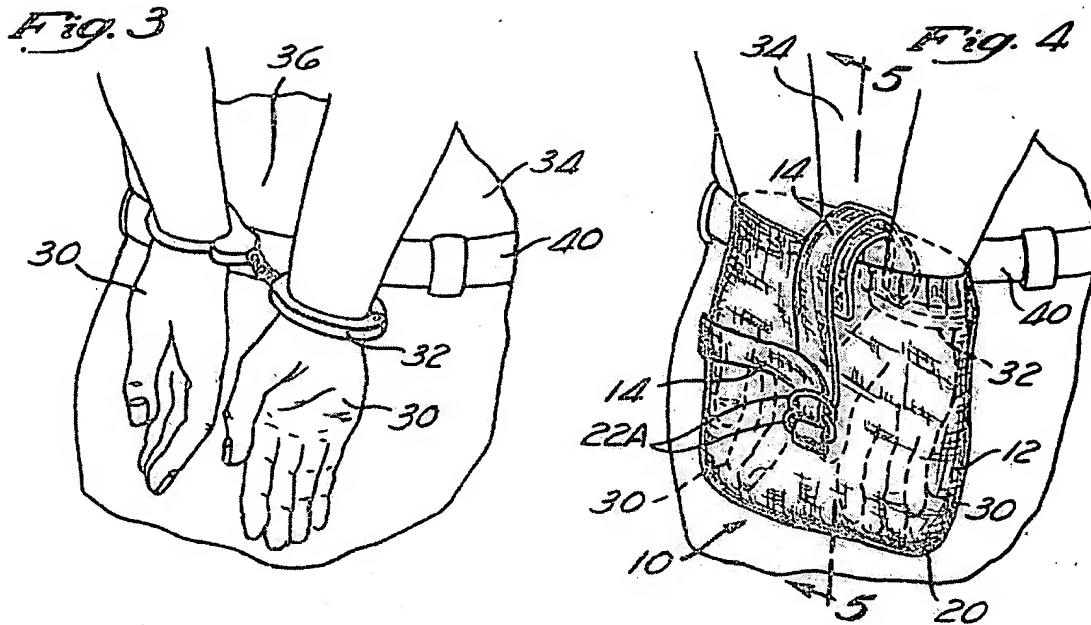
Independent Claim 1 has the following features:

1. (Currently Amended) A medical arm securing device for securing the arms of an immobile patient, comprising:
  - a main member;
  - a first slot extending into an upper portion of said main member;
  - a second slot extending into said upper end of said main member, wherein said slots receive the wrists of an immobile patient; and
  - a plurality of notches preferably extend into said front and rear ends of said main member for selectively receiving a band member.

Independent Claim 11 has the following features:

11. (Original) A medical arm securing device for securing the arms of an immobile patient, comprising:
  - a main member;
  - a first slot extending into an upper portion of said main member;
  - a second slot extending into said upper end of said main member, wherein said slots receive the wrists of an immobile patient;
  - a plurality of notches on opposing ends of said main member; and
  - a band member positionable within selected said notches.

Rivadeneyra teaches a “*supplemental hand restraint device*” that is “*utilized in conjunction with conventional handcuffs to eliminate functional hand and/or finger use of a person in custody.*” (Abstract.) More particularly, Rivadeneyra merely teaches “a bag adapted to be positioned over the hands and handcuffs of a person in custody and be secured thereupon to completely enclose or encapsulate the person’s hands. (Abstract; Column 2, Lines 50-64; Column 3, Lines 26-38.). Rivadeneyra does not teach the usage of two slots or three arms are contained within the present claims – **Rivadeneyra merely teaches a bag with a single “interior” cavity.** (Column 2, Lines 50-64; Column 3, Lines 26-38.) In fact, Rivadeneyra cannot have two slots that are separated by arms or partitions since when the hands are inserted into the bag they are handcuffed – i.e. requiring no obstacles between the hands during insertion into the bag. Below are exemplary figures from Rivadeneyra that show the general structure of Rivadeneyra:



Figures 3 and 4 of Rivadeneyra

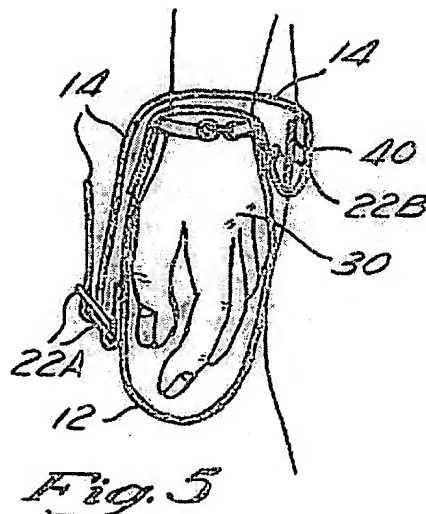


Figure 5 of Rivadeneyra

Rivadeneyra clearly does not teach at least the following features contained in independent Claims 1 and 10:

- a main member;
- a first slot extending into an upper portion of said main member;

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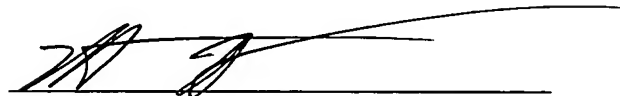
- **a second slot** extending into said upper end of said main member, **wherein said slots receive the wrists of an immobile patient**;
- **a plurality of notches** preferably extend into said front and rear ends of said main member **for selectively receiving a band member**; or
- **a band member** positionable within selected said notches (Claim 11 only).

The Applicant respectfully submits that Rivadeneyra does not qualify as appropriate prior art under 35 U.S.C. §102(b) as Rivadeneyra does not disclose (expressly or inherently) all of the features of independent Claims 1 and 11. Therefore, Applicant respectfully submits that independent Claims 1 and 11 are patentable over the cited reference for at least these reasons. Accordingly, Applicant respectfully requests that the Examiner withdraw the outstanding rejection as applied to independent Claims 1 and 11, since the application is in condition for allowance. Accordingly, dependent Claims 2-10, 12-20, which depend therefrom are also in condition for allowance.

**D. CONCLUSION**

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited. Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully asked that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. Alternatively should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, they are invited to telephone the undersigned.

Respectfully submitted,



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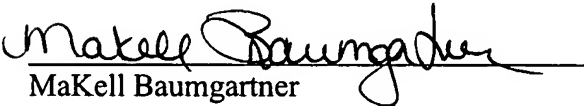
Attorney's Docket No. LARS-013

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on September 27, 2005.

  
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